Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
)	
Acceleration of Broadband Deployment:)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of)	
Broadband Deployment by Improving Policies)	
Regarding Public Rights of Way and Wireless)	
Facilities Siting)	

COMMENTS OF THE NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION

The National Telecommunications Cooperative Association ("NTCA") hereby submits these comments in response to the above captioned Notice of Inquiry ("NOI"). NTCA supports the Commission's efforts to remove barriers to infrastructure investment and agrees that "obtaining access to rights of way on fair and reasonable terms, and through a predictable process is critical for all infrastructure providers."

All of NTCA's members are "rural telephone companies" as that term is defined in the Communications Act of 1934, as amended.³ NTCA's members are dedicated to providing a wide-range of high quality telecommunications service to their rural communities (some of which are located in Tribal lands), and about half provide wireless service. NTCA members are headquartered in the locality where they provide service, have strong ties to the community, and understand firsthand the challenges of deploying infrastructure in some of the most rural and remote areas of the country.

³ 47 U.S.C. § 153(37).

¹ Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, WC Docket No. 11-59, FCC 11-51, Notice of Inquiry (rel, Apr. 7, 2011).

² NOI, ¶ 4.

Although all of NTCA's members have commonality in that they all serve rural communities, the circumstances under which each operates vary widely. Just as there are few similarities between the terrain and density challenges across the membership, so are the experiences in dealing with government entities in the siting process. While some members report a predictable, streamlined process for obtaining rights of way and wireless facilities siting, others report substantial difficulties, delays and expenses.

The Commission seeks information on the reasonableness of rights of way charges.⁴ Based on an informal poll of the NTCA membership, it appears that this is an area of great concern. Some members reported that rights of way are seen by local jurisdictions as a means of raising revenue unrelated to the costs associated with the permitting process, including fees assessed annually. Other concerns were expressed regarding efforts to procure rights of way from a state university, tribal entities, and railways. Those who own such rights of way recognize that they are essential to the successful and economic construction and upgrade of networks. Those that hold the power to grant the rights of way have the incentive to seek a price far beyond what is necessary to recoup the actual cost associated with the property access. Excessive charges not only divert company resources from the important job of broadband deployment, but the costs are ultimately passed through to the end-user customers.

Another area of significant concern is the imposition of requirements not directly relevant to the intended use of the rights of way. NTCA has heard concerns from members regarding requirements ranging from the provision of laptops to the delivery of free connectivity to government buildings. These requirements are unnecessary and unrelated to rights of way, delay the delivery of broadband to consumers, and in the end drive up the cost of service.

⁴ NOI, ¶¶ 16-20

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NTCA supports increased uniformity in obtaining access to rights of way and in the wireless tower siting processes. Policy guidelines with a safe harbor provision would foster broadband deployment and provide a mechanism by which the reasonableness of an entity's procedures, practices, charges, and demands could be measured.

The Commission also questions whether it should permit or require infrastructure providers to impose separate line item fees to recovery rights of way or wireless facilities siting charges directly from subscribers in the jurisdiction imposing such charges.⁵ A line item charge that permits companies to specifically name the entity imposing the charge and what the charge relates to (whether it be an annual fee or laptops, for example) would increase transparency and accountability for those who would seek to extract excessive rents behind closed doors.

In summary, NTCA supports the Commission's efforts to improve the rights of way and wireless tower siting processes. While some entities respond to requests timely and reasonably, some do not. Consistency and transparency in the process will increase its efficiency.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION

The Voice of Rural Telecommunications

The Voice of Rural Telecommunications www.ntca.org

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⁵ NOI, ¶ 48.

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CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in WC Docket No. 11-59, FCC 11-51, was served on this 18th day of July 2011by via electronic mail to the following persons:

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